



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2580

Introduced 02/18/05, by Rep. Joseph M. Lyons - John D'Amico

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/3 from Ch. 38, par. 206-3
65 ILCS 5/Art. 11 Div. 117.1 heading new
65 ILCS 5/11-117.1-1 new
220 ILCS 5/4-101 from Ch. 111 2/3, par. 4-101

Amends the Criminal Identification Act. Authorizes the Department of State Police to furnish to a peace officer certain information pertaining to the identification of any person for the purpose of determining whether that person may be granted or denied access to municipal utility facilities. Amends the Illinois Municipal Code to create a new Division concerning terrorism prevention. Authorizes the appropriate agency of a municipality to promulgate rules for the exclusion of any person from all or a portion of any water treatment facility, water pumping station, electrical transfer station, electrical generation facility, natural gas facility, or any other utility facility owned or operated by the municipality, based on criminal conviction information about that person obtained under the Criminal Identification Act. Amends the Public Utilities Act. Requires the Illinois Commerce Commission to require all electric public utilities to establish a security policy that includes on-site safeguards to restrict physical or electronic access to critical infrastructure and computerized control and data systems by personnel employed by or under contract with the electric public utility company or by personnel of any entity regulated by the Commission that supplies power to wholesale or residential markets. Requires the Commission to maintain a record of and requires each regulated entity that supplies power to wholesale or residential markets to provide to the Commission an annual affidavit signed by a representative of the regulated entity that states that the entity follows, at a minimum, the most current security guidelines set forth by the North American Energy Reliability Council.

LRB094 07710 MKM 37886 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning utilities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 3 as follows:

6 (20 ILCS 2630/3) (from Ch. 38, par. 206-3)

7 Sec. 3. Information to be furnished peace officers and
8 commanding officers of certain military installations in
9 Illinois.

10 (A) The Department shall file or cause to be filed all
11 plates, photographs, outline pictures, measurements,
12 descriptions and information which shall be received by it by
13 virtue of its office and shall make a complete and systematic
14 record and index of the same, providing thereby a method of
15 convenient reference and comparison. The Department shall
16 furnish, upon application, all information pertaining to the
17 identification of any person or persons, a plate, photograph,
18 outline picture, description, measurements, or any data of
19 which there is a record in its office. Such information shall
20 be furnished to peace officers of the United States, of other
21 states or territories, of the Insular possessions of the United
22 States, of foreign countries duly authorized to receive the
23 same, to all peace officers of the State of Illinois, to
24 investigators of the Illinois Law Enforcement Training
25 Standards Board and, conviction information only, to units of
26 local government, school districts and private organizations,
27 under the provisions of Section 2605-10, 2605-15, 2605-75,
28 2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130,
29 2605-140, 2605-190, 2605-200, 2605-205, 2605-210, 2605-215,
30 2605-250, 2605-275, 2605-300, 2605-305, 2605-315, 2605-325,
31 2605-335, 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
32 2605-375, 2605-390, 2605-400, 2605-405, 2605-420, 2605-430,

1 2605-435, 2605-500, 2605-525, or 2605-550 of the Department of
2 State Police Law (20 ILCS 2605/2605-10, 2605/2605-15,
3 2605/2605-75, 2605/2605-100, 2605/2605-105, 2605/2605-110,
4 2605/2605-115, 2605/2605-120, 2605/2605-130, 2605/2605-140,
5 2605/2605-190, 2605/2605-200, 2605/2605-205, 2605/2605-210,
6 2605/2605-215, 2605/2605-250, 2605/2605-275, 2605/2605-300,
7 2605/2605-305, 2605/2605-315, 2605/2605-325, 2605/2605-335,
8 2605/2605-340, 2605/2605-350, 2605/2605-355, 2605/2605-360,
9 2605/2605-365, 2605/2605-375, 2605/2605-390, 2605/2605-400,
10 2605/2605-405, 2605/2605-420, 2605/2605-430, 2605/2605-435,
11 2605/2605-500, 2605/2605-525, or 2605/2605-550). Applications
12 shall be in writing and accompanied by a certificate, signed by
13 the peace officer or chief administrative officer or his
14 designee making such application, to the effect that the
15 information applied for is necessary in the interest of and
16 will be used solely in the due administration of the criminal
17 laws or for the purpose of evaluating the qualifications and
18 character of employees, prospective employees, volunteers, or
19 prospective volunteers of units of local government, school
20 districts, and private organizations, or for the purpose of
21 evaluating the character of persons who may be granted or
22 denied access to municipal utility facilities under Section
23 11-117.1-1 of the Illinois Municipal Code.

24 For the purposes of this subsection, "chief administrative
25 officer" is defined as follows:

26 a) The city manager of a city or, if a city does not
27 employ a city manager, the mayor of the city.

28 b) The manager of a village or, if a village does not
29 employ a manager, the president of the village.

30 c) The chairman or president of a county board or, if a
31 county has adopted the county executive form of government,
32 the chief executive officer of the county.

33 d) The president of the school board of a school
34 district.

35 e) The supervisor of a township.

36 f) The official granted general administrative control

1 of a special district, an authority, or organization of
2 government establishment by law which may issue
3 obligations and which either may levy a property tax or may
4 expend funds of the district, authority, or organization
5 independently of any parent unit of government.

6 g) The executive officer granted general
7 administrative control of a private organization defined
8 in Section 2605-335 of the Department of State Police Law
9 (20 ILCS 2605/2605-335).

10 (B) Upon written application and payment of fees authorized
11 by this subsection, State agencies and units of local
12 government, not including school districts, are authorized to
13 submit fingerprints of employees, prospective employees and
14 license applicants to the Department for the purpose of
15 obtaining conviction information maintained by the Department
16 and the Federal Bureau of Investigation about such persons. The
17 Department shall submit such fingerprints to the Federal Bureau
18 of Investigation on behalf of such agencies and units of local
19 government. The Department shall charge an application fee,
20 based on actual costs, for the dissemination of conviction
21 information pursuant to this subsection. The Department is
22 empowered to establish this fee and shall prescribe the form
23 and manner for requesting and furnishing conviction
24 information pursuant to this subsection.

25 (C) Upon payment of fees authorized by this subsection, the
26 Department shall furnish to the commanding officer of a
27 military installation in Illinois having an arms storage
28 facility, upon written request of such commanding officer or
29 his designee, and in the form and manner prescribed by the
30 Department, all criminal history record information pertaining
31 to any individual seeking access to such a storage facility,
32 where such information is sought pursuant to a
33 federally-mandated security or criminal history check.

34 The Department shall establish and charge a fee, not to
35 exceed actual costs, for providing information pursuant to this
36 subsection.

1 (Source: P.A. 91-176, eff. 7-16-99; 91-239, eff. 1-1-00; 92-16,
2 eff. 6-28-01.)

3 Section 10. The Illinois Municipal Code is amended by
4 adding Division 117.1 to Article 11 as follows:

5 (65 ILCS 5/Art. 11 Div. 117.1 heading new)

6 DIVISION 117.1. TERRORISM PREVENTION

7 (65 ILCS 5/11-117.1-1 new)

8 Sec. 11-117.1-1. Terrorism prevention measures. A
9 municipality that owns or operates a municipal utility may
10 promulgate rules for the exclusion of any person, based upon
11 criminal conviction information received about that person
12 under the Criminal Identification Act, from all or a portion of
13 any water treatment facility, water pumping station,
14 electrical transfer station, electrical generation facility,
15 natural gas facility, or any other utility facility owned or
16 operated by the municipality. The rules must be promulgated by
17 the appropriate municipal agency in cooperation with the
18 principal law enforcement agency of the municipality and, in
19 the case of rules concerning the exclusion of employees, in
20 cooperation with bona fide collective bargaining
21 representatives. The rules may apply to employees of the
22 municipality, any other persons performing work at the
23 facility, or any visitors to the facility. The rules must
24 identify the types of criminal convictions that disqualify a
25 person from entering a particular area, based solely on whether
26 the person poses an unreasonable risk to the public safety
27 because of the person's potential for future criminal conduct
28 affecting a municipal utility facility. The rules may be
29 amended from time to time and shall be available for inspection
30 under the Freedom of Information Act.

31 Section 15. The Public Utilities Act is amended by changing
32 Section 4-101 as follows:

1 (220 ILCS 5/4-101) (from Ch. 111 2/3, par. 4-101)

2 Sec. 4-101. The Commerce Commission shall have general
3 supervision of all public utilities, except as otherwise
4 provided in this Act, shall inquire into the management of the
5 business thereof and shall keep itself informed as to the
6 manner and method in which the business is conducted. It shall
7 examine those public utilities and keep informed as to their
8 general condition, their franchises, capitalization, rates and
9 other charges, and the manner in which their plants, equipment
10 and other property owned, leased, controlled or operated are
11 managed, conducted and operated, not only with respect to the
12 adequacy, security and accommodation afforded by their service
13 but also with respect to their compliance with this Act and any
14 other law, with the orders of the Commission and with the
15 charter and franchise requirements.

16 Whenever the Commission is authorized or required by law to
17 consider some aspect of criminal history record information for
18 the purpose of carrying out its statutory powers and
19 responsibilities, then, upon request and payment of fees in
20 conformance with the requirements of Section 2605-400 of the
21 Department of State Police Law (20 ILCS 2605/2605-400), the
22 Department of State Police is authorized to furnish, pursuant
23 to positive identification, such information contained in
24 State files as is necessary to fulfill the request.

25 The Commission shall require all electric public utilities
26 to establish a security policy that includes on-site safeguards
27 to restrict physical or electronic access to critical
28 infrastructure and computerized control and data systems by
29 personnel employed by or under contract with the electric
30 public utility company or by personnel of any entity regulated
31 by the Commission that supplies power to wholesale or
32 residential markets. The Commission shall maintain a record of
33 and each regulated entity that supplies power to wholesale or
34 residential markets shall provide to the Commission an annual
35 affidavit signed by a representative of the regulated entity

1 that states that the entity follows, at a minimum, the most
2 current security guidelines set forth by the North American
3 Energy Reliability Council.

4 (Source: P.A. 91-239, eff. 1-1-00; 91-638, eff. 1-1-00; 92-16,
5 eff. 6-28-01.)